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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION

5 US BANK NATIONAL ASSOCIATION, AS
6 TRUSTEE FOR THE STRUCTURED
7 ASSET SECURITIES CORPORATION
8 MORTGAGE LOAN TRUST 2006-BC1,

9 Plaintiff,

10 vs.

11 ROSIE ALVARADO, and DOES 1 through
12 20, inclusive,

13 Defendant.

Case No: C 11-03746 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE AND
REMANDING ACTION**

14 On July 29, 2011, Defendant Rosie Alvarado removed this unlawful detainer action
15 from Contra Costa County Superior Court. On August 3, 2011, Magistrate Judge Maria
16 Elena-James, the judge to whom the case was initially assigned, issued an order to show
17 cause (“OSC”) why the case should not be remanded for lack of jurisdiction. Dkt. 5. On
18 August 16, 2011, Judge James vacated her OSC and instead issued a report and
19 recommendation finding that the case should be remanded for lack of jurisdiction, pursuant
20 to 28 U.S.C. § 1447(c). Dkt. 6. Defendant filed an objection to the report and
21 recommendation on August 18, 2011. Dkt. 8, 9. The action was reassigned to this Court
22 on August 23, 2011. Dkt. 11.

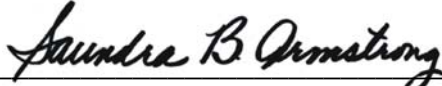
23 The district court must “make a de novo determination of those portions of the report
24 to which objection is made,” and “may accept, reject, or modify, in whole or in part, the
25 findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); see
26 also Civ. L.R. 72-3(a) (requiring that any objections be accompanied by a motion for de
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1 novo determination).¹ Here, the objection filed by Defendant does not challenge the report
2 and recommendation in any substantive respect. In addition, the Court has reviewed the
3 matter de novo, and agrees that subject matter jurisdiction is absent. See Deutsche Bank
4 Nat. Trust Co. v. Gomez, No. C 11-00569 SBA, 2011 WL 2135219 (N.D. Cal. May 27,
5 2011) (remanding unlawful detainer action for lack of subject matter jurisdiction); Wells
6 Fargo Bank, NA v. Bowie, No. C 09-02862 SBA, 2009 WL 1885643 (N.D. Cal. June 30,
7 2009) (same). Accordingly,

8 IT IS HEREBY ORDERED THAT the magistrate judge's report and
9 recommendation, Dkt. 6, is ACCEPTED and shall become the Order of this Court. The
10 instant action is REMANDED to the Superior Court of California, County of Contra Costa,
11 pursuant to 28 U.S.C. § 1447(c). The Clerk shall close the file and terminate any pending
12 matters.

13 IT IS SO ORDERED.

14 Dated: August 24, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

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¹ Defendant did not file a motion for de novo determination.

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2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 US BANK NATIONAL ASSOCIATION et al,

6 Plaintiff,

7 v.

8 ALVARADO et al,

9 Defendant.
_____/

10
11 Case Number: CV11-03746 SBA

12 **CERTIFICATE OF SERVICE**

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on August 24, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19 Rosie Alvarado
20 4421 Pampas Circle
21 Antioch, CA 94531

22 Dated: August 24, 2011

Richard W. Wieking, Clerk

23 By: LISA R CLARK, Deputy Clerk
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